



1 WHEREUPON,

2 JESSICA ELLISON

3 after having been first duly sworn, deposes and says

4 in reply to the questions propounded as follows,

5 to-wit:

6 DIRECT EXAMINATION

7 BY MR. OGLE:

8 Q. Good morning, Ms. Ellison.

9 A. Good morning.

10 Q. If you would, for purposes of the record,  
11 would you state your full name and spell your last  
12 name?

13 A. Jessica Alice Ellison, E-L-L-I-S-O-N.

14 Q. And could you state your age?

15 A. 34.

16 Q. And can you tell us where you reside and I  
17 don't need the P.O. box?

18 A. Calumet, Oklahoma.

19 Q. Calumet, Oklahoma?

20 A. Uh-huh.

21 Q. Have you ever been deposed before?

22 A. No, I have not.

23 Q. So you've never had to sit in a room or in a  
24 courtroom and be taken under oath and asked questions?

25 A. No, I've not.

1 Q. What training did you receive prior to or  
2 while you were employed at the Canadian County  
3 Detention Center?

4 A. I had a lot of training during my time at  
5 the Canadian County jail. We had jail school every  
6 year, which would include first aid, policies and  
7 procedures, booking, bail bonds, we would do jail  
8 standards every year.

9 I also have my training through, I went  
10 through the CLEET reserve program while employed  
11 there, so I have all of my CLEET training also. I  
12 also had taser and OC spray, CPR.

13 Q. In your training did there become a time  
14 where you would be trained on the policies and  
15 procedures of the county jail?

16 A. Yes, sir.

17 Q. A prior witness in this matter has already  
18 identified this document that is marked as Plaintiff's  
19 Exhibit 10, but the Custody, Philosophy of the  
20 Canadian County Sheriff's Office and the Detention  
21 Center, is that something you would have been familiar  
22 with and trained to follow?

23 A. I would say that we would go over it, yes.

24 Q. When you say "go over it", would that mean  
25 they hand it to you and have you read it in the car,

1 or were you in classroom setting when you would work  
2 through the policies and procedures of the operation  
3 of the county jail?

4 A. We are in a classroom setting when we go  
5 over it.

6 Q. Would that be on a bi-annual, an annual, or  
7 one time in your employment, how often would you go  
8 through the policies and procedures of the Canadian  
9 County Detention Center?

10 A. We are -- we go over it in a classroom  
11 setting once a year. Everyone is issued the policies  
12 and procedures to keep with you and there are multiple  
13 binders with the policies and procedures throughout  
14 the facility.

15 Q. I think what I'm understanding you to say is  
16 you were provided an actual copy and then there were  
17 actual copies available to you for your review and  
18 inspection, if you so choose, at the detention center  
19 as well?

20 A. Yes, sir.

21 Q. So I've shown you Exhibit 10, which is  
22 Custody, Philosophy. Would you have gone through  
23 Medical Screening as marked as Exhibit 11?

24 A. Yes, sir.

25 Q. The Jail Logbook as marked as number 12?

1 the hospital.

2 Q. In fact, you were at the hospital when he  
3 was pronounced dead; correct?

4 A. Yes, sir.

5 Q. And it was your obligation to report back to  
6 the jail of the determination of death?

7 A. Yes, sir.

8 Q. Do you remember interactions that you had  
9 with Mr. Davis as you as an employee of the detention  
10 center and he as an inmate of the detention center?

11 A. Yes, I remember interactions.

12 Q. What can you describe as to an interaction  
13 you had in April of 2016 with Mr. Davis?

14 A. I had an altercation with Mr. Davis.

15 Q. Can you describe for us, please, that  
16 altercation?

17 A. Mr. Davis had come out of his cell during a  
18 lockdown period and one of my officers at the time was  
19 having troubles getting him back in the cell, so I  
20 assisted. Mr. Davis attempted to put his hands on me  
21 and we had to restrain him.

22 Q. Can you describe how he attempted to put his  
23 hands on you?

24 A. He was trying to push me into a wall.

25 Q. Was he trying to use his hands to push or

1 was his shoulder, what was he trying to push you with?

2 A. He was using his hands.

3 Q. Where was he touching your person?

4 A. I cannot tell you the exact location. I  
5 know it was my upper body.

6 Q. And was there another jail staff present  
7 with you during that event?

8 A. Yes, there was.

9 Q. And who was that, if you remember?

10 A. Floyd.

11 Q. And what was done once he tried to, or  
12 pushed your upper body?

13 A. After that it became a hands-on altercation  
14 where both myself and Floyd had to restrain him. We  
15 placed him on the ground, it was, he was put on a --  
16 he was put on the floor and restrained into hand  
17 restraints. Lieutenant Carmack came in around the end  
18 of it and helped us to finish restraining him.

19 Q. What did you do with him after you  
20 restrained him?

21 A. He was placed in his cell and medical staff  
22 was notified to come and check on him.

23 Q. Was he coherent and verbal during this  
24 altercation?

25 A. Yes, he was.

1 Q. Was he ultimately hospitalized after this  
2 altercation?

3 A. Not for this altercation.

4 Q. In the days following this altercation are  
5 you aware if he was hospitalized or not hospitalized?

6 A. I believe I heard that he was  
7 hospitalized --

8 Q. Were you --

9 A. -- after.

10 Q. And do you know how much time had passed  
11 between the altercation and his hospitalization?

12 A. I do not.

13 Q. Were you on duty, or do you have a memory if  
14 you were on duty at the time he was taken to the  
15 hospital?

16 A. I do not have memory of him being.

17 Q. During this time period was the detention  
18 center working in eight hour shifts?

19 A. I am not for sure.

20 Q. Was there a period of time when you worked  
21 at the detention center that they worked in eight hour  
22 shifts?

23 A. Yes, sir.

24 Q. And I noticed here in the policies and  
25 procedures that were provided to me through discovery

1 A. Have I -- I'm sorry, repeat that.

2 Q. Have you in your interactions with Mr. Davis  
3 ever observed him have an altercation with anyone  
4 other than the one you've described in April?

5 A. Not that I remember.

6 Q. Okay. Did you ever observe Mr. Davis with  
7 injuries that made him appear differently than he  
8 appeared in either of the photographs before you in  
9 Exhibit 1 and 2?

10 A. Are you asking if I saw him with any  
11 injuries?

12 Q. Correct.

13 A. He had bruising on the day that, the day of  
14 his death he had bruising.

15 Q. Where did you observe bruising on him?

16 A. I believe it was his leg.

17 Q. Was there bruising anywhere else?

18 A. To my knowledge, I cannot tell you.

19 Q. Do you remember being told by anyone the  
20 basis or reason that Mr. Davis was being moved from a  
21 non-observation cell to an observation cell?

22 A. Yes, I was told that morning.

23 Q. Who told you of the move?

24 A. My corporal, Fitzgerald.

25 Q. If you can remember, what was it you heard



1 him tell you, or remember him telling you?

2 A. He told me that he was being moved due to  
3 medical observation for unexplained bruising.

4 Q. Did he share with you that there was  
5 bruising to Mr. Davis's face that was unexplained?

6 A. To my knowledge, I cannot tell you.

7 Q. Did he explain to you that there was concern  
8 that he had had seizures?

9 A. I cannot tell you that.

10 Q. So what you do remember is being told that  
11 he was being moved for medical observation?

12 A. Yes, sir.

13 Q. And you previously described for us what the  
14 purpose of medical observation was?

15 A. Yes, sir.

16 Q. Okay. And during the time period that he  
17 was moved from cell 9 to cell 11, 11 would be an  
18 observation, IDA 11?

19 A. IDA 11 is an observation cell, yes.

20 Q. Were you involved in or on duty when he was  
21 moved from cell 9 to 11?

22 A. No, sir.

23 Q. You weren't involved in that process at all?

24 A. No, sir.

25 Q. Going back to the date of June 5th, the date

1 video yet, are you?

2 A. I am not yet.

3 Q. We'll watch till you come in just to  
4 confirm.

5 A. That's me.

6 Q. So you've now come in the screen wearing  
7 your brown detention uniform?

8 A. Yes.

9 Q. Okay. I just wanted to confirm we're all on  
10 the same information. All right. Let's talk about  
11 your interactions on June 5 of 2016. I think we've  
12 established that you were on duty from 8:00 to 4:00 on  
13 that date?

14 A. That was the shift, yes.

15 Q. And you may have had to work a little extra?

16 A. Yes, I did.

17 Q. What do you remember being the first thing  
18 shared with you or told with you regarding the inmate  
19 who is being stored or housed in IDA 11?

20 A. I was told by Corporal Fitzgerald that he  
21 was put into that, that Davis was put in IDA 11 due  
22 to, or yeah, he was put in IDA 11 due to medical, by  
23 the medical staff due to unexplained bruising on his  
24 body.

25 Q. Did you have any further discussion or share

1 that information or that line of information with any  
2 other detention staff on duty, such as Staten or  
3 Henderson?

4 A. I cannot tell you for sure if I -- if like I  
5 was the one who told them. I know that I spoke with  
6 them that day.

7 Q. Was that prior to or after you had  
8 interaction with Mr. Davis?

9 A. It would be after.

10 Q. After he had passed or when he was still in  
11 the cell?

12 A. I had talked with them while he was in his  
13 cell.

14 Q. All right. If you could, please describe  
15 what you remember being your first interaction with  
16 him on the 5th, him being Mr. Davis, excuse me?

17 A. I went to cell IDA 11 and I opened the door  
18 and I spoke with him for a short period of time.

19 Q. If I may interrupt just for a second. Was  
20 that early in your shift, or at the end of your shift,  
21 or do you have a recollection of when that might have  
22 occurred?

23 A. I don't have a recollection of the exact  
24 timing.

25 Q. Would that have been something in the course

1 of the jail logs or the data entry that you all do  
 2 upon visiting with inmates, that would have been  
 3 documented?

4 A. It could have been, I do not know if it was  
 5 or not.

6 Q. Do you know if that was in the morning of  
 7 the -- because you came on at 8:00, scheduled to be  
 8 off at 4:00, was it the morning that you would have  
 9 had your first interaction with Davis?

10 A. I believe it was.

11 Q. Okay. I interrupted you, please go ahead  
 12 and describe your interaction with him.

13 A. I spoke with him, Mr. Davis, for a short  
 14 period of time, I asked him if he wanted to put  
 15 clothes on, I asked him if he was doing okay, I asked  
 16 him if he needed anything. And that was the end of  
 17 it.

18 Q. Is that an interaction or conversation that  
 19 you had with him through the bean hole or the food  
 20 feeding hole or was that with the door open?

21 A. The door was open.

22 Q. Was there another guard with you at that  
 23 time that you would have opened the cell door?

24 A. There was not one.

25 Q. Okay. So on the video we should have you

1 with the door open communicating with Mr. Davis during  
2 your shift?

3 A. Yes.

4 Q. Okay. Was he laying down at the time?

5 A. Yes, he was.

6 Q. Where in the cell was he laying down, if you  
7 remember?

8 A. I don't remember an exact location, I just  
9 know that he was in the floor.

10 Q. Was he on a mat or off a mat?

11 A. I cannot tell you.

12 Q. Was he clothed or unclothed?

13 A. He was unclothed.

14 Q. Was it at this time that you observed the  
15 bruising you previously described on his person?

16 A. Yes, it was.

17 Q. Were you able to visually see his face at  
18 this interaction?

19 A. I cannot tell you.

20 Q. Was there any fecal matter or signs of  
21 defecation at that time of your interaction with  
22 Mr. Davis?

23 A. By memory I cannot tell you.

24 Q. You weren't there for purposes of feeding or  
25 providing medication at that time, were you?

1 A. Yes, it is.

2 MR. GERIES: Object to the form.

3 Q. (BY MR. OGLE) So that is the same cell?

4 A. That is IDA 11 cell.

5 Q. Okay. Does that help refresh your memory of  
6 the position or where Mr. Davis was at the time that  
7 you walked into the cell?

8 A. No, it does not.

9 Q. Is there any log or reporting system that  
10 you're aware of in the detention center that would  
11 memorialize how many meals that Mr. Davis had eaten in  
12 the last 32 hours?

13 A. The logbook.

14 Q. Would that be the control logbook, should be  
15 documenting meals?

16 A. Yes.

17 Q. What do you do if an inmate is  
18 non-responsive to receipt of meals, how is that  
19 documented?

20 A. What do you mean by non-responsive?

21 Q. They don't eat?

22 A. If they refuse their meal then it is logged  
23 in the logbook.

24 Q. And if they refuse medication how is it put  
25 in?

1     Staten's memory, or Henderson's memory as to what was  
2     shared with them regarding why he was in medical  
3     observation?

4             A.     Yes, sir.

5             Q.     Do you believe under the policies and  
6     procedures that because somebody is under video  
7     observation that loosens or reduces the obligation of  
8     jail personnel to physically check on inmates?

9             MR. GERIES:   Object to the form.

10            THE WITNESS:   Are you asking my opinion?

11            Q.     (BY MR. OGLE)   I'm asking, yes, your  
12     opinion?

13            A.     No.

14            Q.     Okay.   And do you believe that is a policy  
15     of the detention center?

16            A.     Policy of the detention center is for them  
17     to check on them once an hour, physically.

18            Q.     And is that once an hour for all inmates;  
19     correct?

20            A.     Yes, sir.

21            Q.     And then is there a heightened requirement,  
22     I think one time you said 15 minutes on suicide  
23     observation?

24            A.     On suicide observation it is 15 minutes.

25            Q.     And it's your testimony that medical is less

1 access to go back and watch it?

2 A. No, they do not.

3 Q. Has to be a sergeant or up?

4 A. I believe all of them did, unless they  
5 worked with IT.

6 Q. Okay. Earlier we talked about meals being  
7 logged when they get refused by inmates. And I  
8 believe you said that even if an inmate's not on  
9 medical observation any time an inmate refuses a meal  
10 that is logged?

11 A. Yes, it is.

12 Q. You said earlier it was logged on the  
13 control room log, is it also logged in OTIS?

14 A. Yes, there is a place to log it in OTIS.

15 Q. And does a jail nurse, does she have access  
16 to a control room log when she comes in the control  
17 room?

18 A. Yes, she does.

19 Q. And does the nurse staff have access to  
20 OTIS?

21 A. There was a program where the nurse could  
22 get on to OTIS with it being a read only. I believe  
23 she had access at that time.

24 Q. Okay. Also in cell I 11 where Anthony Davis  
25 was being housed, there was access for him to water in



1 that cell; correct?

2 A. Yes, there's a sink above the toilet.

3 Q. And that sink has a water fountain in it;  
4 correct?

5 A. Yes, it does.

6 Q. And I just want to be clear, as far as you  
7 knew, when Anthony Davis was moved to cell I 11, his  
8 observation was with regard to some bruises; correct?

9 A. Yes, it was.

10 Q. Were you aware of any other reason why he  
11 was being observed during that time period?

12 A. There was unexplained bruises that could  
13 possibly be self-harm, but they did not know. It was  
14 just unexplained bruising.

15 Q. At the time, you would agree, that Turnkey  
16 nurse Miranda Huerta came in and worked on June 5,  
17 2016; correct?

18 A. Yes, she was there that day.

19 Q. In fact, you said earlier you had  
20 conversations with her; correct?

21 A. I did.

22 Q. And you had conversations with her about  
23 Anthony Davis; correct?

24 A. Yes, I did.

25 Q. At any time did she come to you and change

1 the observation for Anthony Davis?

2 A. No, she did not.

3 Q. Did she express any additional concerns that  
4 Anthony Davis needed additional or different medical  
5 care at any time that day?

6 A. No, she did not.

7 Q. If she would have told you he needed to go  
8 to the hospital, would you have made arrangements to  
9 take him to the hospital?

10 A. Yes.

11 Q. In fact, would it have been a violation of  
12 the jail policy not to take him to the hospital if the  
13 jail nurse, or if the Turnkey nurse had mentioned that  
14 he needed additional care?

15 A. It could be criminal, yes.

16 Q. You were asked some questions earlier about  
17 the policies and procedures. Would it be a violation  
18 of the policy of the Canadian County jail not to do  
19 physical sight checks every hour?

20 A. Yes.

21 Q. And would it be a violation of the policy  
22 and procedure of the Canadian County jail not to log  
23 sight checks when they took place?

24 A. Yes.

25 Q. Would it be a violation of policy and

1 procedure to skip sight checks?

2 A. Yes.

3 Q. Would it be a violation of policy and  
4 procedure to withhold or prevent an inmate from  
5 getting needed or necessary medical care?

6 A. Yes, that would be a violation.

7 Q. And you said also earlier it could be a  
8 criminal violation as well?

9 A. Yes, it could be.

10 Q. At any time during your shift on June 5,  
11 2016, did you become aware that Anthony Davis had an  
12 emergency medical need?

13 A. No, I was not aware of any.

14 MR. GERIES: Pass the witness.

15 REDIRECT EXAMINATION

16 BY MR. OGLE:

17 Q. When was this discussion had with the nurse  
18 on duty, Nurse Huerta?

19 A. It would have been during that day sometime.

20 Q. You didn't physically or visually observe  
21 her have interaction with Mr. Davis, did you?

22 A. No, I did not.

23 Q. If the camera reflects that her interaction  
24 with him was at 7:38 a.m. that would have been prior  
25 to your shift; correct?